

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 20-cr-252 (WMW/TNL)

Plaintiff,

v.

ORDER

Ryan Matthew Muehlberg (7),

Defendant.

This matter comes before the Court on Defendant Ryan Matthew Muehlberg's Second Unopposed Motion to Continue Government's Motion Response Deadline and Motion Hearing. Mot., ECF No. 460.

On September 15, 2022, Defendant Ryan Matthew Muehlberg filed his pretrial motions, including a motion to suppress evidence obtained by electronic surveillance and a motion to suppress evidence obtained as a result of searches and seizures. *See* ECF Nos. 413-18. The deadline for the Government to file its response to Defendant's motions is November 17, 2022, and the motions hearing is scheduled for December 6, 2022. Mot. ¶ 1; *see also* ECF No. 447 at 3.

Defendant seeks to extend the Government's response deadline to December 9, 2022, and to continue the motions hearing to a date thereafter. Mot. at 3. Defendant contends that counsel for the Government has substantial scheduling conflicts with the current response deadline and motion hearing date. Mot. ¶ 2. He also contends that "[t]he parties continue to engage in extensive and ongoing discussions to reach a settlement in

this matter and the Government has tendered a proposed plea agreement for consideration by the Defendant.” Mot. ¶ 3. Defendant also notes that he continues to participate in chemical dependency treatment, and he needs additional time “to rationally consider the benefits of the proposed plea agreement.” Mot. ¶¶ 4-5. According to Defendant, a continuance “would be in [his] best interests” so that he has “the opportunity to fully consider the proposed plea agreement or whether he wishes to proceed with a motion hearing and trial.” Mot. ¶ 6. He also contends that a continuance would be in the Government’s best interests “so as to prevent the Government from having to expend time and resources preparing a response to the Defendant’s pre-trial motions which would be unnecessary if Defendant ultimately accepts the proposed plea agreement.” Mot. ¶ 3. The Government has no objection to the requested continuance. Mot. ¶ 8.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide the parties reasonable time necessary for negotiations related to a possible plea agreement, effective preparation, and to make efficient use of the parties’ resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant’s Second Unopposed Motion to Continue Government’s Motion Response Deadline and Motion Hearing, ECF No. 460, is **GRANTED**.
2. The period of time from **November 9 through December 28, 2022**, shall be excluded from Speedy Trial Act computations in this case.

3. All responses to motions shall be filed by **December 9, 2022**. D. Minn. LR 12.1(c)(2).

4. Any Notice of Intent to Call Witnesses shall be filed by **December 9, 2022**. D. Minn. LR. 12.1(c)(3)(A).

5. Any Responsive Notice of Intent to Call Witnesses shall be filed by **December 14, 2022**. D. Minn. LR 12.1(c)(3)(B).

6. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

7. **If required, the motions hearing shall take place before the undersigned on December 28, 2022, at 10:00 a.m., in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.** D. Minn. LR 12.1(d).

8. **TRIAL:**

- a. **The following trial and trial-related dates are:**

All motions in limine and proposed voir dire and jury instructions are due in District Judge Wilhelmina Wright's chambers at least 21 days before trial begins. Counsel are advised that a pretrial notice will issue that will include additional deadlines.

Judge Wright will hold a pretrial on **January 9, 2023, at 1:00 p.m.** in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

This case must commence trial on **January 17, 2023, at 9:00 a.m.** before Judge Wright in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Judge Wright to confirm the new trial date.**

Dated: November 10, 2022

s/Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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